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Attorneys for Defendants:  
Martin N. Lettunich, Stefan Matan

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

XS Holding B.V., derivatively on behalf of  
Xsient Technologies, LLC and XET Holding Co.,  
LLC, and separately on its own behalf

Case No. C08 02282 (RMW)

PLAINTIFFS,

v.

DEFENDANTS' MARTIN N. LETTUNICH  
and STEFAN MATAN's JOINDER IN  
XSIENT, LLC's REQUEST FOR RELIEF  
FROM FEDERAL RULES OF CIVIL  
PROCEDURE, RULE 26

COOL EARTH SOLAR, INC., a Delaware  
corporation; ROB LAMKIN, an individual;  
LAWRENCE ASUNCION, an individual;  
SOLAR COMPONENTS LLC, a Delaware  
limited liability company; NATHAN  
SCHULHOF, an individual; M. JAMES  
BULLEN, an individual; MARTIN N.  
LETTUNICH, an individual; STEFAN MATAN,  
an individual; and XSIENT, LLC, a Nevada  
limited liability company and ATIRA  
TECHNOLOGIES, LLC, a Nevada limited  
liability company;

DEFENDANTS.

Defendants Martin N. Lettunich and Stefan Matan join Defendant Xsient LLC's ex parte request for relief from Federal Rule of Civil Procedure, Rule 26 obligations. Defendants have filed a Motion to Dismiss this action for lack of diversity jurisdiction (Fed.R.Civ.P. rule 12(b)(1).), and for failing to name an indispensable party (Fed.R.Civ.P. rule 12(b)(7).). That motion will be heard on July 25, 2008, which was the earliest date on which the motion could be set when it was filed in May of 2008. At present, pursuant to rule 26 requirements, the parties are required to meet and confer on or before July 18<sup>th</sup> and to prepare and exchange rule 26 disclosures by August 1<sup>st</sup>. A case management

1 conference is set for August 8<sup>th</sup>. The cost of preparing rule 26 disclosures, meeting and conferring  
2 will be unnecessary once Defendants' Motion is heard. Defendants Lettunich and Matan join with  
3 Defendant Xslent LLC to request that the date to meet and confer and to exchange documents and  
4 information required by rule 26 be continued until further order of this Court and until after the  
5 motions to dismiss have been finally decided.

6 No party has requested a prior continuance or extension of any matter in this action.

7 These Defendants are informed and believe that they, Xslent LLC, and Atira Technologies,  
8 LLC are the only Defendants who have appeared in this action and that no other Defendant has been  
9 served.

10 Dated: \_\_\_\_\_, 2008

DESOUZA LAW OFFICES  
a professional corporation

11  
12 By: /s/ Jacqueline deSouza  
13 Jacqueline deSouza  
14 Attorneys for Defendants  
Martin N. Lettunich, Stefan Matan